

REMARKS

A. Background

Claims 1-17 were pending in the application at the time of the Office Action. Claims 1-17 were rejected as being anticipated and/or obvious over cited prior art. By this response applicant has amended claims 10 and 15. As such, claims 1-17 are presented for the Examiner's consideration in light of the following remarks.

B. Proposed Claim Amendments

Claims 10 and 15 have been amended herein to further clarify the invention. Applicant submits that the amendments to the claims are supported by the application as originally filed and entry thereof is respectfully requested.

C. Rejection on the Merits

Paragraphs 2-9 of the Office Action reject claims 1, 2, 4-7, 9-11, and 13-16 under 35 USC § 102(b) as being anticipated by U.S. Publication No. 2002/0099598 to Eicher Jr. et al. Applicant traverses this rejection.

Eicher describes a performance-based supply chain management system for sending metalerts relative to monitored key performance indicators (KPIs) for a buyer-supplier engagement. The system is able to determine hot spots (*i.e.*, low KPIs) based on recurring metalerts within a particular engagement. This information is stored for use in selection of potential buyers and suppliers by the system.

The Office Action asserts that Eicher discloses all of the limitations of above claims. However, applicant submits that Eicher fails to disclose or suggest **“a second trading entity**

registered by said first trading entity as a trading partner of the first trading entity,” as substantially recited in independent claims 1, 10 and 15.

The Office Action alleges that paragraphs 65 and 115 of Eicher provided disclosure of the above limitation. Applicant respectfully disagrees. Paragraph 65 refers to extracting content and discloses embodiments wherein content is provided based on subscription level and authorization. Paragraph 115 provides embodiments of a partner selection module, which can include simple, strategic and demanding purchasing engagements. However, there is no disclosure or suggestion in these paragraphs of a second trading entity registered by said first trading entity as a trading partner of the first trading entity. Paragraph 115, for example, merely states that a buyer selects partners based on reputation, whether they have the items needed and the desired cost.

Furthermore, applicant refers to paragraph 63 of Eicher which discloses a partner directory that includes details of products and services of a partner. These details are automatically downloaded from a commercial master registry during the setup phase of the performance-based supply chain management system. Applicant again asserts that Eicher fails to disclose or suggest the registration of a second trading entity by said first trading entity as a trading partner of the first trading entity.

In addition, the applicant submits that Eicher fails to disclose or suggest a “profile specifying supply chain data to be communicated to and/or from one or more of said trading entities,” as recited in independent claims 1, 10 and 15. The Office Action alleges that paragraph 87 of Eicher disclosed this limitation. Applicant respectfully disagrees. Applicant acknowledges that Eicher discloses a user profile that comprises company information of a particular buyer and supplier, inventory and order related data, which may be considered as

supply chain data. However, applicant submits that there is no disclosure whatsoever of the profile specifying the supply chain data that is to be communicated to and/or from other trading entities. In view of the foregoing, applicant submits that claims 1, 10 and 15 are not anticipated by the Eicher.

Claims 2, 4-7, 9, 11, 13, 14, and 16 depend from claim 1, 10, or 15 and thus incorporate the limitations thereof. As such, applicant submits that claims 2, 4-7, 9, 11, 13, 14, and 16 are distinguished over Eicher for at least the same reasons as discussed above with regard to claims 1, 10, and 15.

Paragraphs 10-15 of the Office Action reject claims 3, 8, 12, and 17 under 35 USC § 103(a) as being obvious over the Eicher publication in view of U.S. Publication No. 2002/0138324 to Zarefoss et al. The rejection is respectfully traversed.

Claims 3, 8, 12, and 17 each depend from independent claim 1, 10, or 15 and thus incorporate the corresponding limitations thereof. Applicant submits that Zarefoss does not cure the above discussed deficiencies of Eicher and thus even if the references were combined, they would not produce the inventions as recited in claims 3, 8, 12, and 17.

Zarefoss describes a system and method for sharing and manipulating supply chain data by assigning attributes to the data, creating hierarchies, calendars, filters and freeze profiles. Selective sharing of data is accomplished by predefined partnerships and filters. Zarefoss is directed to the sharing of supply chain data for the purpose of business planning and forecasting. Although Zarefoss describes a method for sharing and manipulating supply chain data, applicant submits Zarefoss fails to disclose or suggest, as discussed above with regard to Eicher, “a second trading entity registered by said first trading entity as a trading partner of the first trading entity,” as substantially recited in independent claims 1, 10, and 15.

Furthermore, applicant submits that Zarefoss does not disclose or suggest “wherein said server informs said second trading entity via said communications network that they have been registered by said first trading entity following registration of said second trading entity by said first trading entity,” as recited in claim 3 or “said server informing said second trading entity via said communications network that they have been registered as a trading partner of said first trading entity by said first trading entity,” as recited in claim 12.

The Office Action alleges that paragraph 65 of Zarefoss provides disclosure of a server informing the second trading entity, via a communication network, that they have been registered by the first trading entity. Applicant respectfully disagrees. Paragraph 65 refers to a process for creating a planning component for sharing and manipulating supply chain data. Paragraph 65 of Zarefoss provides disclosure of a system assigning the planning component to each trading partner, who own and manage the component. Specifically, the applicant asserts the step of identifying partners (414) fails to teach the notification of a second trading entity, via a communication network, that they have been registered by the first trading entity.

In view of the foregoing, applicant submits that neither Eicher nor Zarefoss, whether considered alone or in combination, disclose the combination of limitations recited in the independent claims 1, 10 and 15 and further do not discuss the above limitations of claim 3 and 12. As such, applicant submits that claims 3, 8, 12, and 17 are neither anticipated nor obvious over the cited prior art and withdrawal of the rejections is respectfully requested.

No other objections or rejections are set forth in the Office Action.

D. Conclusion

Applicant notes that this response does not discuss every reason why the claims of the present application are distinguished over the cited prior art. Most notably, applicant submits that many if not all of the dependent claims are independently distinguishable over the cited prior art. Applicant has merely submitted those arguments which it considers sufficient to clearly distinguish the claims over the cited prior art.

In view of the foregoing, applicant respectfully requests the Examiner's reconsideration and allowance of claims 1-17 as amended and presented herein. In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Dated this 4th day of February 2008.

Respectfully submitted,

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